

**Carlos Hernández**  
Mayor

**Isis Garcia-Martinez**  
Council President

**Luis González**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Katharine E. Cue-Fuente**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Summary Agenda April 9, 2013 7:00 P.M.

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### **Meeting was called to order at 7:14 p.m.**

Call to Order/Roll Call of Council Members – **All Present**

- **Also present were:**
  - **Carlos Hernandez, Mayor**
  - **Marbelys Fatjo, Acting City Clerk**
  - **William Grodnick, City Attorney**

Invocation given by Acting City Clerk, Marbelys Fatjo

Pledge of Allegiance led by Council President Isis Garcia-Martinez

### **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

### **Presentations –**

- (1) Proclamation of the Mayor declaring April 9, 2013 as National Service Recognition Day.
1. Announcement of Amendments/Corrections to the Agenda – **Items Z and 5a were added to the agenda, and a request to table item PZ 4 until May 28, 2013 was placed on the dais.**
2. Consent Agenda – **Motion to Approve the Consent Agenda, except Items B, Q, X, and Z, made by Council Vice President Gonzalez and seconded by Councilwoman Casals-Muñoz. – Motion passed 7-0.**

- A. Request from the Cotson Committee, for a street closure permit to close West 23 Street from West 5 Avenue to West 5 Way at Costson Park located at 520 West 23 Street, Hialeah, Florida, to hold an event honoring Johnny Cotson on Saturday, June 15, 2013 from 12:00 p.m. to 8:00 p.m. (*Pending proof of insurance by the applicant*) (*Recommendations from the Fire Dept. and Police Dept.*) (OFFICE OF THE CITY CLERK) **APPROVED (7-0)**
- B. Proposed resolution approving the co-designation of a portion of West 78<sup>th</sup> Street, from West 7<sup>th</sup> Avenue to West 8<sup>th</sup> Avenue, Hialeah, Florida, as "Reverend Jose Luis Paniagua Way", in recognition of Reverend Paniagua's devotion and dedication to the betterment of his community, with the cost of signage to be paid by the applicant. (*Item was approved by the Historic Preservation Board*) (OFFICE OF THE CITY CLERK) **APPROVED (7-0)**  
**RESOLUTION NO. 2013-29**

**Councilman Hernandez requested separate discussion on this item.**

**Motion to Approve made by Councilman Hernandez and seconded by Councilwoman Casals Muñoz.**

- C. Request permission to increase purchase order # 2013-1472, since it is advantageous to the City due to time constraints in the completion of the project, issued to Sherwin Williams Co. d/b/a The M.A. Bruder Paints Company, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$35,000. (CONSTRUCTION & MAINTENANCE DEPT. AND GRANTS & HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- D. Request permission to award bid # 2012/13-3230-00-029 and issue a purchase order to H & F Plumbing Corp., sole responsive bidder, for the Multipurpose Adult Center at the 300-Unit Elderly Housing facility, for a total cumulative amount not to exceed \$32,000. (CONSTRUCTION & MAINTENANCE DEPT. AND GRANTS & HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- E. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Silmar Electronics, Inc., for the CCTV Equipment of the Milander Parking Garage, for a total cumulative amount not to exceed \$16,878. (CONSTRUCTION & MAINTENANCE DEPT. AND GRANTS & HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- F. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to Rigo's Portable Welding, Inc., d/b/a All in One Foam and Stone Design, for additional keystone at the Milander Complex, for a total cumulative amount not to exceed \$17,000. (CONSTRUCTION & MAINTENANCE DEPT. AND GRANTS & HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- G. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to Graybar Electric Company, Inc., for the light fixtures at the 36-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$51,007.89. (CONSTRUCTION &

MAINTENANCE DEPT. AND GRANTS & HUMAN SERVICES DEPT.) **APPROVED (7-0)**

- H. Request to approve the recommendations of the Proposal Review Committee for the selection of Fire Watch Services in response to the Request for Proposal (RFP) # 2012/13-2000-12-001, and select Florida Patrol Investigators, Inc. (FIRE DEPT.) **APPROVED (7-0)**
- I. Request permission to increase purchase order # 2013-677, since it is advantageous to the City, issued to Tranny Tech, Inc., to obtain transmission repairs for city vehicles, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$50,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- J. Request permission to increase purchase order # 2013-279, since it is advantageous to the City, issued to American Battery Company, for the purchase of batteries for city vehicles, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$50,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- K. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to OCML, Inc., d/b/a/ The Stage Depot, for the purchase of a stage for the Milander Auditorium, for a total cumulative amount not to exceed \$15,499.87. (PARKS AND RECREATION DEPT. AND GRANTS & HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- L. Request permission to utilize Miami-Dade County, Florida Bid # 1072-1/16-OTR, and issue a purchase order to Mity, Lite, Inc., for the purchase of tables, chairs, carts for tables and chairs, and dance floors for Milander Auditorium, for a total cumulative amount not to exceed \$98,383.70. (PARKS AND RECREATION DEPT. AND GRANTS & HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- M. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints, and issue a purchase order to Magna Construction, Inc., for the repairing and grading of the walkway between field 1 and 4, and survey of the walkway and ballfield 1 at Bucky Denty Park, for a total cumulative amount not to exceed \$28,057. (PARKS AND RECREATION DEPT.) **APPROVED (7-0)**
- N. Request permission to renew the contract with AT&T Corporation and issue a purchase order to AT&T Corporation, for the citywide telephone Centrex lines, for the following three accounts the City has with AT&T (Account Numbers: 305-883-5810, 305-687-2610, and 305-557-6770), for a total cumulative amount not to exceed \$95,000 to cover the months of April through September 2013. (PURCHASING DEPT.) **APPROVED (7-0)**
- O. Proposed resolution approving a Joint Participation Agreement with Miami-Dade County, Florida for the county to expend county funds to acquire rights-of-way and easements for county roadway improvements along NW 37 Avenue, from NW North River Drive to NW 79 Street, and further authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the city, to enter the Joint Participation Agreement in substantial form as attached hereto and made a part hereof as Exhibit "1" and to execute such documents and agreements in furtherance thereof. (STREETS DEPT.) **APPROVED (7-0)**  
**RESOLUTION NO. 2013-30**

- P. Proposed resolution authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the city, to enter into a Professional Services Agreement with Oneyda Paneque, Ed.D. to provide Evaluation Services for the city's Afterschool and Summer Programs funded by the 21<sup>st</sup> Century Grant, in an amount not to exceed \$16,611.00, in substantial form as attached hereto and made a part hereof as Exhibit "1". (EDUCATION & COMMUNITY SERVICES, DEPT.) **APPROVED (7-0) RESOLUTION NO. 2013-31**
- Q. Proposed resolution authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a Sponsorship Agreement with Leon Advertising & Public Relations, Inc., a Florida Corporation, doing business as Leon Medical Centers, a copy of which is attached hereto and made a part hereof as Exhibit "1" to become a Hialeah Pillar Partner and Official Wellness Partner of the Milander Center for three years, commencing on the opening of the Milander Center and ending three years thereafter, with a three-year renewal term, upon agreement of the parties, in exchange for a total sponsorship fee of \$115,000.00 comprising of a \$30,000 fee in the first year, a \$40,000 fee in the second year and a \$45,000 fee in the third year and further authorizing the naming of the Main Hall in the Milander Center as Leon Medical Centers Hall for the duration of the agreement. (EDUCATION & COMMUNITY SERVICES, DEPT.) **APPROVED (7-0) RESOLUTION NO. 2013-32**

**Mayor Hernandez requested separate discussion on this item.**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente.**

- R. Request permission to increase purchase order # 2013-864, since it is advantageous to the City, issued to Branching Out, Inc., for the City's pump repairs, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- S. Request permission to increase purchase order # 2013-674, since it is advantageous to the City, issued to Wingfoot Commercial Tire Systems, LLC., to purchase new tires on vehicles for Public Works, Fire Department, and Water and Sewer Department, by an additional amount of \$60,000, for a new total cumulative amount not to exceed \$180,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- T. Request permission to increase purchase order # 2013-316, since it is advantageous to the City, issued to Growers Equipment Company, to purchase Ford equipment parts and accessories for the City's trucks, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- U. Request permission to increase purchase order # 2013-323, since it is advantageous to the City, issued to Kelly Tractor Co., to purchase parts for Caterpillar heavy equipment, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**

- V. Request permission to increase purchase order # 2013-678, since it is advantageous to the City, issued to Tiresoles of Broward, Inc., d/b/a Miami Tiresoles, to purchase tires and road call service on vehicles for Public Works, Fire Department, and Water and Sewer Department, by an additional \$60,000, for a new total cumulative amount not to exceed \$180,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- W. Request permission to change the pricing contract presently in use with Verizon Wireless, for cellular phone service, from the State of Florida to Western States Contracting Alliance, since it is advantageous to the City in that the change in the contract will provide more features and services at no additional cost, as well as on average save the City three to four hundred dollars a month. (INFORMATION SYSTEMS DEPT.) **APPROVED (7-0)**
- X. Proposed resolution authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the city, to enter into an agreement for a term of five years, with two successive one-year options to renew, with Betolli Trading Corp., a Florida Corporation, doing business as Betolli Vending, to operate Snack Vending Machine Concessions at various city-owned properties, in a form approved by the City Attorney, utilizing the pricing list of a competitively-bid contract and award with the City of Miami Beach pursuant to Request for Proposals No. 44-10/11, providing for a minimum annual revenue guarantee of \$20,000 based on a percentage of sales to be paid together with an annual increase equal to the Consumer Price Index (CPI). (EDUCATION & COMMUNITY SERVICES DEPT.) **APPROVED (7-0) RESOLUTION NO. 2013-33**

**Mayor Hernandez requested separate discussion on this item.**

**Motion to Approve made by Council Vice President Gonzalez and seconded by Councilman Hernandez.**

- Y. Proposed resolution authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the city, to enter into a Sponsorship Agreement with Pivotal Utility Holdings, Inc., a New Jersey Corporation, doing business as, Florida City Gas, a copy of which is attached hereto and made a part hereof as Exhibit "1" to become the official Energy Conservation Partner and Official Sponsor of the City of Hialeah Aquatic Program for one year, commencing on March 1, 2013 and ending on February 28, 2014, with one annual renewal term, upon agreement of the parties, in exchange for an annual sponsorship fee of \$25,000.00 and other promotional and educational services, including, but not limited to, conducting an Energy Conservation Seminar Series. (EDUCATION & COMMUNITY SERVICES DEPT.) **APPROVED (7-0) RESOLUTION NO. 2013-34**
- Z. Proposed resolution urging the Florida Legislature to adopt a law that would allow municipalities which have Fire Department Emergency Medical Services that also qualify as an Advanced Life Support Transport Provider to augment EMS Transport Services from Assisted Living Facilities and Community Residential Homes in municipalities where 15 or more Assisted Living Facilities and Community Residential Homes are located in circumstances where residents have acute illnesses or serious injuries that require emergency medical evaluation, treatment and/or transport. (COUNCILMAN PAUL HERNANDEZ) **APPROVED (7-0) RESOLUTION NO. 2013-35**

**Councilman Hernandez requested separate discussion on this item.**

**Motion to Approve made by Councilman Hernandez and seconded by Council Vice President Gonzalez.**

3. First reading of proposed ordinance amending Chapter 34 entitled "Elections" of the Code Of Ordinances, and in particular, revising Hialeah Code § 34-2 entitled "Qualifying Period for Mayor and Councilmembers" to change the first day of qualifying for the Office of Mayor and the Office of Councilmember from the 74<sup>th</sup> day to the 120<sup>th</sup> day prior to the Primary Election and change the last day of qualifying from the 53<sup>rd</sup> day to the 99<sup>th</sup> day prior to the Primary Election; and to revise provisions to require payment of assessment according to state law unless so exempted; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0)**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez.**

4. (**FOR DISCUSSION ONLY**) Ordinance amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 3. R-1 one-family district, of the Code of Ordinances and in particular, revising and Renaming Hialeah Code § 98-1373 entitled "Rear Yard Required; Distance Separation between Principal Residential Building and Accessory Building" to reduce the minimum distance separation between a principal or main residential building and an accessory building in a R-1 one-family district from 20 feet to 10 feet for lots equal to or exceeding 5,000 square feet in total area and 15 feet for lots less than 5,000 square feet; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (COUNCILWOMAN VIVIAN CASALS-MUÑOZ)

**Debora Storch, Director, Planning & Zoning Department, will do research and report to the Council how many variances were brought before the Council on this issue during the past five years.**

5. Board Appointments
  - a. Proposed resolution appointing **Gilbert Alfonso** to the Board of Trustees of the Employees General Retirement System for the remainder of a two (2)-year term ending on December 31, 2014. **APPROVED (7-0) RESOLUTION NO. 2013-36**

**Motion to Approve made by Council Vice President Gonzalez and seconded by Councilman Caragol.**

6. Unfinished Business – **None.**
7. New Business

- a. Councilman Hernandez discussed his experience with Vicente Rodriguez, Director of the Construction & Maintenance Department, in reviewing the different artistic styles for the new Milander Auditorium.
- b. Mayor Hernandez thanked everyone on the Council for their efforts with Tallahassee. Mayor Hernandez emphasized the importance of having our voices heard for the betterment of our community.
- c. Council President Garcia-Martinez thanked the State Representatives and Senators for listening.

#### 8. Comments and Questions

- a. Jose Azze, 788 Southeast Park Drive, addressed the Council regarding item Z.
- b. Tirso Martinez, 5729 NW 153 Street, addressed the Council on item 4.

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

**Attention Applicants:** Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

### ZONING

**PZ 1.** Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2005-106 (November 10, 2005), rezoning property from R-1 (One Family Residential District) to R-O (Residential Office District) to allow the development of a Residential Office according to the Site Plan prepared by Tirso P. Martinez, Architect, and granting a Variance Permit to allow six Business Tax Receipts (Occupational Licenses), where a maximum of two are allowed, contra to Hialeah Code §98-778(2) on property zoned R-O (Residential Office District). **Property located at 4980 Palm Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Smile Art of Miami, Inc. (Item was tabled and removed from table on 3/26/13 – APPROVED AS AMENDED (5-0))*) **APPROVED (7-0)**  
**ORDINANCE 2013-25**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente.**

**PZ 2.** Second reading and public hearing of proposed ordinance granting a variance permit to allow a duplex on a substandard-sized lot having a width of 50 feet, where a minimum average width of 75 feet is required, and a total area of 6,750 square feet, more or less, where a total area of at least 7,500 square feet is required, to allow a lot coverage of 35.25%, where a maximum lot coverage of 30% is allowed, to allow a east and west side

setbacks of 5 feet, where 7.5 feet are required, and to allow a rear setback of 20 feet, where 25 feet are required, contra to Hialeah Code §§ 98-544, 98-546, 98-547(a) and 98-2056(b)(2). **A vacant lot located at the northeast corner of the intersection between West 1 Avenue and West 14 Street, west of Palm Avenue, Hialeah, Florida with a proposed street address of 41 West 14 Street.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: 41 West 4 Street, LLC*) **APPROVED (7-0) ORDINANCE 2013-26**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilwoman Lozano.**

- PZ 3.** Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a total of 39 parking spaces, where 78 parking spaces are required and to waive portions of the Landscape Manual requiring a seven foot landscaped area between the off-street parking and the right-of-way, requiring one tree for every 35 linear feet of roadway abutting the property and requiring one tree per 80 square feet of interior landscaped area, contra to Hialeah Code §§ 98-2189(15) and 98-2233. **Property located at 620 West 27 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Miguel Rionda*) **APPROVED (7-0) ORDINANCE 2013-27**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez.**

- PZ 4.** Letter of denial from the Planning and Zoning Official for the rezoning of two parcels of land from R-1 (One Family District) to R-2 (One and Two Family Residential District) and allow each duplex on a lot with a 50-foot frontage, total lot area of 6,750 square feet (75-foot width and 7,500 square foot lot area required for each) and consider granting a Variance Permit to allow a total lot coverage of 50.4% for each (30% maximum allowed) and side setbacks of 5 feet on each lot (7.5 feet required for each). **Property located at 115 West 13 Street, Hialeah.** (*Applicant: Eco Hialeah, LLC C/O Eugenio Lage*) (*Item was tabled at the request of the applicant, Eugenio Lage, 7811 Coral Way, Suite 100, Miami, FL*). **TABLED (5-0) Remained on table until May 28, 2013 as per the applicant's request.**
- PZ 5.** First reading of proposed ordinance granting a Variance Permit to allow a lot coverage of 38.8%, where a maximum lot coverage of 30% is allowed and to allow a rear setback of 16.8 feet, where 20 feet are required, contra to Hialeah Code §§ 98-591 and 98-2056(b)(2). **Property located at 6313 West 22 Lane, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Miguel Rodriguez, 6313 West 22 Lane, Hialeah, FL*) **APPROVED (7-0)**

**Motion to Approve made by Council Vice President Gonzalez and seconded by Councilman Hernandez.**



**Meeting was adjourned at 8:09 p.m.**

**NEXT CITY COUNCIL MEETING: April 23, 2013 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: May 28, 2013 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).